

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

VS.

KENNETH EARL BROOKS

Defendant,

2:16-cr-00193-KJD-VCF

MINUTES OF THE COURT

Dated: December 8, 2016

PRESENT:

THE HONORABLE **KENT J. DAWSON, U.S. DISTRICT JUDGE**

DEPUTY CLERK: DENISE SAAVEDRA

COURT REPORTER: HEATHER NEWMAN

PRESENT FOR PLAINTIFF: PHILLIP SMITH AND KILBY MACFADDEN, AUSA

PRESENT FOR DEFENDANT: HEIDI OJEDA AND SHARI KAUFMAN, AFPD

JURY TRIAL - DAY 4

Proceedings begin at 9:06 a.m. Defendant is present. Officer Michael Loving is present as case agent.

Matters are discussed outside the presence of the jury. Defense moves for mistrial on statement made by Mr. Smith, and moves for Rule 29(a) Motion. Accordingly, as stated on the record the Court Denies Motion for Mistrial and Denies 29 (a) Motion for Judgment of Acquittal. The Court hears argument from Government. The Court will allow information in as to weather.

Juror are present at 9:31 a.m.

Government rests.

Defense rests.

The Court reads Jury Instructions into the record.

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Ms. Macfadden presents the Government's closing statement.

Ms. Ojeda presents the Defendant's closing statement.

Mr. Smith presents the Government's rebuttal argument.

Bailiff is sworn. The Jury retires to deliberate at 11:25 a.m.

Proceedings recess from 11:25 a.m. - 1:54 p.m.

Telephone conference is held as to Jury note at 1:54 p.m.. The Court confers with counsel. Representations are heard from both parties. The Court will allow the jury to hear the audio recording in the courtroom with all parties present.

Jurors are present at 2:06 p.m. and hear the audio recording. Jury is excused to continue deliberations at 2:11 p.m.

Jurors are present at 4:00 p.m. The jury was unable to reach a verdict. Government moves for Motion for Mistrial, Defense counsel has no objection. The Court declares a mistrial.

The Court thanks the jury and excuses them.

Jury Trial is set for Monday, February 6, 2017 at 9:00 a.m. with Calendar Call set for Tuesday, January 31, 2017 at 9:00 a.m.

Proceedings recess at 4:22 p.m.